

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JONATHAN COULON,)
)
Plaintiff,)
)
v.) **No. 3:07-0590**
) **JURY DEMAND**
CITY OF COOPERTOWN and) **JUDGE TRAUGER**
DANNY CROSBY, individually,)
)
Defendants.)

MOTION TO AMEND COMPLAINT

Comes the Plaintiff pursuant to Fed. R. Civ. Pro., Rule 15, and request that this Honorable Court grant him the right to amend his Complaint to add an additional Defendant, Jack Long. For grounds the Plaintiff would show:

1. That, in his original Complaint, the Plaintiff alleged that Mayor Danny Crosby had terminated him.
2. In fact, Jack Long, the Deputy Mayor, took part in his termination. At the time the Plaintiff was terminated, Crosby had been temporarily suspended, and Long was actually in charge of day to day city operations.
3. The Defendant will not be prejudiced. Paragraph 4 of the original Complaint alleges that Crosby and the City terminated him. 4.1. alleges that the actions were committed by the City's Chief-Officer, the mayor but does not name Long.
4. The Defendant has been aware from the date the Plaintiff was terminated who in fact actually terminated the Plaintiff.

If a defendant to be added had sufficient notice within the statute of limitation period of the filing of a complaint, that he was the proper party to a lawsuit, then such proposed amendment should be granted. Richmond v. McElyea, 130 F.R.D. 377; (E.D. Tenn. 1990); Smith v. TW Services, Inc., 142 F.R.D. 144 (M.D. Tenn. 1991); Stewart v. Shelby Tissue, Inc., 189 F.R.D. 357 (W.D. Tenn. 1999). In this case, Long was aware, as an officer of the City, of the Complaint being filed, and was also aware it was not Crosby who actually terminated the Plaintiff but him, thus, he is not prejudiced and this motion should be granted.

The Plaintiff attaches to this Motion his proposed Amended Complaint

Respectfully submitted,

/s/ Phillip L. Davidson
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served electronically to Hon. Robyn Beale Williams, Farrar & Bates, LLP, 211 Seventh Avenue No., Suite 420, Nashville, TN 37219, on this the _____ day of _____, 2007.

/s/ Phillip L. Davidson
Phillip L. Davidson